

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 41

October 10, 2003

**SUBJECT: OUT-OF-STATE ARREST WARRANTS**

**PURPOSE:** Occasionally, there is confusion regarding the proper procedure for taking fugitives into custody on arrest warrants issued by other states. Of particular concern are cases where the issuing state indicates it will only extradite a suspect from certain states or not at all. This Order clarifies Department procedure for arresting and booking a suspect when limited or no extradition is indicated on a National Crime Information Center (NCIC) hit.

**PROCEDURE:**

**I. LIMITED OUT-OF-STATE WARRANTS.**

**A. Limited Extradition Warrants.** Officers obtaining a return on a want and warrant check indicating that an individual has an out-of-state fugitive warrant shall check to determine if the return contains the "**Limited**" extradition designator.

In all cases where limited extradition is indicated, suspects shall be booked in accordance with Department Manual Section 4/606.07. This includes extradition warrants that do not list California as a state from which the issuing agency is willing to extradite.

**Note:** For "**Limited**" extradition cases, officers may lawfully arrest and book a suspect named on an out-of-state warrant even if California is not listed on the warrant as a state from which the suspect will be extradited. However, officers shall not contact the issuing agency for warrant or stolen vehicle information without prior approval from Fugitive Warrant Section (FWS), Detective Support Division (DSD), or when closed, DSD Administrative Desk at (213) 485-3261, in accordance with Manual Section 4/216.70.

**B. Multiple Charges.** If a suspect, who has been arrested on a local or in-state charge, is also wanted on an out-of-state fugitive warrant, or is an occupant in an out-of-state stolen vehicle, the local or in-state charge shall take precedence. The fugitive charge shall be placed supplementary.

**Note:** A Probable Cause Determination shall be completed whether California Penal Code (PC) Section 1551.1 is the primary or supplemental charge.

**Exception:** If the local charge is a Release From Custody (RFC) offense, an RFC shall not be issued. Instead, the suspect shall be booked for Section 1551.1 PC (Fugitive) and the elements of the RFC offense shall be included in the narrative portion of the arrest report.

**C. Booking Advice.** Booking advice for out-of-state fugitive arrests shall be obtained from the investigative supervisor, FWS, or when closed, DSD Administrative Desk. Sworn personnel shall provide the FWS supervisor with the name of the fugitive, the identity of the requesting entity, the charge against the fugitive, any stolen vehicle information and the jurisdiction reporting the vehicle stolen.

**II. NO EXTRADITION OUT-OF-STATE WARRANTS.** Officers obtaining a return on a want and warrant check indicating that an individual has an out-of-state fugitive warrant shall check to determine if the return contains the "NOEX" (No Extradition) designator. If so, personnel shall not arrest the person based on the hit without independent probable cause. Booking advice and approval for out-of-state fugitive arrests shall be obtained from the investigative supervisor, FWS, or when closed, DSD Administrative Desk. Fugitive Warrant Section has the final authority on booking charges for out-of-state issues.

**III. OUT-OF-STATE STOLEN VEHICLES.** All occupants in an out-of-state stolen vehicle should be detained pending an investigation. Each occupant should be interviewed separately to determine whether he/she was directly or indirectly involved in the theft of the vehicle. When an occupant of an out-of-state stolen vehicle is unable to satisfactorily demonstrate legitimate cause for being in the vehicle, he/she (except for young children unable to operate a motor vehicle) shall be booked under Section 1551.1 PC (Example: 1551.1 PC Fugitive/AZ/GTA). Occupants shall not be booked for California Vehicle Code Section 10851 or 487(D) PC.

**IV. OUT-OF-COUNTRY WARRANTS.** Officers receiving information that a suspect may be wanted in another country shall not arrest the suspect without independent probable cause. Officers receiving this information should avoid contact with the suspect and obtain as much information as possible from the source. This information shall be given as soon as possible to the Foreign Prosecution Liaison Unit, FWS, at (213) 473-7450 or when closed, Department Command Post at (213) 978-6500.

**AMENDMENTS:** This Order amends Sections 4/216.01 and 4/606.07 and deletes Section 4/216.70 of the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Detective Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

**WILLIAM J. BRATTON**  
**Chief of Police**

**DISTRIBUTION "A"**